



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,341	07/30/2003	Bruce A. Dillman	263 P 026	9302

26952 7590 04/25/2005

ROGER H. STEIN
311 S. WACKER DRIVE
53RD FLOOR
CHICAGO, IL 60606-6622

EXAMINER

HWU, DAVIS D

ART UNIT	PAPER NUMBER
----------	--------------

3752

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,341

Applicant(s)

DILLMAN, BRUCE A.

Examiner

Davis D. Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,12-18 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,12-18 and 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's amendment and remarks of November 22, 2004 are entered and have been fully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen.

Poulsen discloses a method for subduing a fire comprising the steps of operating a jet turbine to draw surrounding ambient air to form an exhaust and introducing a first retardant into the exhaust. Since the turbine of Poulsen is pivotally mounted on a horizontal axis in order to aim the turbine, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the exhaust can be directed directly at or in front of the front wall of the flames and not above the fire if so desired by an operator.

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Cottrell et al.

Cottrell et al. teach solid fire extinguishing compositions comprising sand or limestone dust which are effective in extinguishing fires. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used sand or limestone dust as a fire retardant in the device of Poulsen as taught by Cottrell et al. to effectively fight various fires.

Art Unit: 3752

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of McBride.

McBride teaches a fire fighting method in which either or both water and a second retardant are used to douse the fire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used either or both water and a second retardant to douse the fire as taught by McBride for effectively subduing the fire.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Cottrell et al.

Poulsen discloses a method for subduing a fire comprising the steps of operating a jet turbine drawing ambient air to form an exhaust and directing the exhaust into a moving front wall of the fire against the movement of the front wall of the fire. Cottrell et al. teach solid fire extinguishing compositions comprising sand or limestone dust which are effective in extinguishing fires. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used sand or limestone dust as a fire retardant in the device of Poulsen as taught by Cottrell et al. to effectively fight various fires.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Cottrell et al.

Cottrell et al. teach solid fire extinguishing compositions comprising sand or limestone dust which are effective in extinguishing fires. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used sand or

Art Unit: 3752

limestone dust as a fire retardant in the device of Poulsen as taught by Cottrell et al. to effectively fight various fires.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen. Poulsen also discloses the use of a fuel pump and fuel tank to deliver fuel to the turbine. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen. Since the supply of retardant is pressurized, it would have been obvious to one having ordinary skill in the art to use a compressor to pressurize the retardant to force the retardant through the conduit.

10. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Cottrell et al.

Cottrell et al. teach solid fire extinguishing compositions comprising sand or limestone dust which are effective in extinguishing fires. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used sand or limestone dust as a fire retardant in the device of Poulsen as taught by Cottrell et al. to effectively fight various fires.

11. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Relyea et al.

Relyea et al. teach a fire fighting vehicle comprising a moveable crane boom affixed to a vehicle and a rotatable nozzle 24 attached to the crane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed

Art Unit: 3752

the nozzle of Poulsen on a crane boom as taught by Relyea et al. to raise the nozzle to required heights to fight fires.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 14, 15, 17, 18, 22-24, and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Poulsen. Device of Poulsen is fully capable of fighting forest or brush fires. Regarding claim 22, Poulsen also provides an adjustable counterbalancing mechanism affixed vehicle that counteracts the force of the exhaust when the turbine is locked in place after being rotated.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is

Art Unit: 3752

available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davis Hwu



DAVIS HWU
PRIMARY EXAMINER